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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,600	12/13/2000	Lorenz Camenzind	P/543-103	1539
2352	7590	05/07/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			VERBITSKY, GAIL KAPLAN	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/674,600	Applicant(s) CAMENZIND ET AL.	
	Examiner Gail Verbitsky	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1--38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-8, 11-22, 26-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S.4854045) in view of Vinci.

Schaub discloses in Figs. 1-2 a multifunctional tool comprising at least one pocket knife and at least one display device/ LCD 21 for displaying a sensed/ measured value by a tool hand (sensor, col. 2, lines 36-38) 12, 13. The device also comprises at least two covers (casing/ modules) 20, 26, outer cover modules (cover plates) 23, 25 connected by connecting means (mechanical and electronic) 8, 11, 31, 35 and (pins) 36, 46. The device 21 can releasably snap in/ out. The device further comprises, a memory module (storing means) to store measured data, an emergency transmitter module (sensing member) 1, batteries, entry keys (menu device) 22, watch (time).

Schaub states that the number of modules can be expanded depending on the number of measuring devices contained in the modules. Thus, in a broad sense, it is considered that Schaub suggests measuring a plurality of values. Although Schaub does not explicitly describe a microprocessor and a converter, however, since the device has a calculator, it would be inherent to have a microprocessor and a converter, since it is well known in the art that the microprocessor and convertors are part of the calculators. In is

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also inherent, that the device comprises an interface to transmit an emergency signal to a receiving remote station (Emergency Localization). It is inherent, that the device/ display can be switched on/ off. As shown in Fig. 2, the cover plates are mounted on the casing as a whole/ integral. Applying a pressure onto a key 22 of a keyboard, a menu circuit can be operated.

For claim 28: according to Fig. 2, the cover plate can be releasably removed from the device.

For claim 29: means 23 is a cover plate, and the LCD is mounted to the cover plate.

For claim 30: means 23 is a casing, and the display is mounted to the casing.

Although Schaub suggest having a sensor, Schaub does not explicitly suggest measuring a physical value and a plurality of sensors sensing/ measuring a plurality of physical values, as stated in claim 1, in combination with the remaining limitations of claims.

Vinci discloses a multifunctional hand held device for measuring a plurality of physical values by using a plurality measuring/ sensing devices activated by selecting the respective measuring device and mode of operation, and displaying the respective physical value and the mode of operation. Vinci teaches to incorporate a pressure-measuring sensor to measure pressure in the device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, so as to have a plurality of measuring devices to measure a plurality of physical values including a

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pressure, as taught by Vinci, so as to provide the user with a multiple purpose device, while allowing the user to keep the device in the pocket.

3. Claims 4, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-22, 26-38 above, and further in view of La Neve (U.S.634719).

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claims 4, 10.

La Neve discloses a tool (arm 16 with a spatula¹⁴) comprising a retractable temperature sensing awl 10 with a temperature feeler.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a temperature sensing awl, as taught by La Neve, to the device disclosed by Schaub and Vinci, so as to make the device useful as a temperature sensing probe useful during camping food preparation.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-22, 26-38 above, and further in view of Tymkewicz.

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claim 25.

Tymkewicz teaches that the display can turn off automatically after a period of time (col. 6, lines 61-64, and col. 7, lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub and Vinci, so as to turn the display/ device off automatically after a period of time when the device is not used, as taught by Tymkewicz, in order to save life of battery and to prolong the longevity of the device.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-22, 26-38 above, and further in view of Shimizu et al. (U.S. 5798964) [hereinafter Shimizu].

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claim 23.

Shimizu teaches an access control circuit which prevents an undesirable access to the memory when the power is initially on.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add an access control circuit, as taught by Shimizu, to the device disclosed by Schaub and Vinci, so as to prevent undesirable access to the memory when the power is initially on, in order to protect valuable information.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-22, 26-38 above, and further in view of Hwang (U.S. 5883306).

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claim 24.

Hwang discloses a multipurpose (multifunctional) tool having measuring sensors and an illuminating unit (flash light) 71.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a flash light, as taught by Hwang, to the device disclosed by Schaub and Vinci, so as to provide the user with light allowing the user to operate the device during camping or in another environment when lack of illumination.

7. Claims 9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 1-3, 5-8, 11-22, 26-38 above above, and further in view of McIntosh (U.S. 5313376).

Schaub and Vinci disclose the device as stated above in paragraph 2.

They do not teach the limitations of claims 9 and 24.

McIntosh discloses in Fig. 7 a device in the filed of applicant endeavor comprising a weighting scale/ element 6-10 wherein a hook 8 is pulled out of a pocket knife device when the weight scale is used to measure a weight. The device also comprises a removable flash light, as shown in Fig. 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weighting scale and a hook, as taught by McIntosh, to the device disclosed by Schaub and Vinci, so as to provide the user with a weighing device usable for weighting food/ fish during a camping.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a flash light, as taught by McIntosh, to the device disclosed by Schaub and Vinci, so as to provide the user with light allowing the user to operate the device during camping or in another environment when lack of illumination

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Any inquiry concerning this communication should be directed to the Examiner Verbitsky who can be reached at (571) 272-2253 Monday through Friday 8:00 to 4:00 ET.

GKV

Gail Verbitsky

Primary Patent Examiner, TC 2800



April 21, 2004